

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LAMAR LENOIR,	:	Case No. 3:09-cv-286
Petitioner,	:	
vs.	:	District Judge Walter H. Rice
		Magistrate Judge Michael J. Newman
WARDEN, SOUTHERN OHIO	:	
CORRECTIONAL FACILITY,	:	
Respondent.	:	

---

**SUPPLEMENTAL REPORT AND RECOMMENDATION<sup>1</sup> THAT  
PRO SE PETITIONER'S DUPLICATIVE MOTION FOR A CERTIFICATE OF  
APPEALABILITY TO APPEAL THE DENIAL OF HIS RULE 60(b) MOTION (DOC. 92)  
BE DENIED**

---

This matter is before the Court upon *pro se* Petitioner's duplicative motion for a certificate of appealability to appeal the Court's denial of his Fed. R. Civ. P. 60(b) motion (doc. 92). On October 29, 2012, Petitioner filed a motion raising similar arguments and requesting the same relief. *See* doc. 88. On November 2, 2012, the Court recommended that this motion be denied. *See* doc. 91. For the reasons stated in the Court's November 2, 2012 Report and Recommendation (doc. 91), the Court **RECOMMENDS** that Petitioner's duplicative motion for a certificate of appealability (doc. 92) be **DENIED**.

November 6, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge

---

<sup>1</sup> Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B)(C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).